

# United States District Court

EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

CLEASTER SMALLEY

§

§

V.

§

CASE NO. 5:04cv205  
(Judge Folsom/Judge Bush)

§

Commissioner of Social  
Security Administration

§

§

## MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the Report of the United States Magistrate Judge in this action for judicial review of the administrative denial of Social Security Disability Insurance Benefits, this matter having been heretofore referred to United States Magistrate Judge Don D. Bush pursuant to 28 U.S.C. § 636. On February 17, 2006, the Magistrate Judge entered a report containing his proposed findings of fact and recommendation that the decision of the commissioner be affirmed.

As neither party has filed objections to the Report and Recommendation, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is, therefore, **ORDERED, ADJUDGED** and **DECREED** that the decision of the Administrative Law Judge shall be and is hereby **AFFIRMED**. All motions by either party not previously ruled on are hereby **DENIED**.

**SIGNED this 24th day of March, 2006.**



DAVID FOLSOM  
UNITED STATES DISTRICT JUDGE